

E-Rate & School Funding Services
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September 30, 2013

Federal Communications Commission
Ms. Marlene H. Dortch, Secretary
445 12th Street, SW
Washington, DC 20554

APPEAL

Appellant: Steve Futrell, Consultant for the Applicant (CRN: 16070846)
Applicant: East Alton-Wood River School District
BEN: 136407
Form 471 #: 804240
FRN #: 2180244, 2180298, 2180354, 2181476

Re: **Request for Review**

Administrator Denial on Appeal Funding Year 2011-2012 in Letter dated 07/31/13
CC Docket No. 02-6

Ms. Dortch:

The District is requesting the Federal Communications Commission (FCC) review the decision of the Universal Service Administrative Company (USAC) denying our Appeal of Form 486 Notification Letter 942395, for FRNs 2180244, 2180298, 2180354 and 2181476, having the following explanation:

Our records show that your appeal was postmarked more than 60 days after the date of your Form 486 Notification Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

Please consider the following:

On 02/18/13 FCC Form 486 Notification Letter for Application # 942395, dated 02/13/13, was received.

On 03/20/13, at 2:58 pm, a Letter of Appeal of Form 486 Notification Letter, Application #942395, a copy of which is attached, was sent via e-mail to USAC.

On 03/20/13, at 8:12 pm, subsequently to not receiving an "auto reply" e-mail from the USAC e-mail box, the appeal was forwarded a second time to USAC. Upon receiving neither a "Delivery Failure/Delay" notification from my e-mail service provider nor from any USAC source, I presumed both the original and duplicate appeal sent on 03/20/13, were received. This scenario as explained to program compliance reviewer, Tim Curtin, via e-mail.

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On 07/01/13, having received no correspondence regarding the appeal, an inquiry was made regarding the status of the appeal via the "Submit a Question " on the USAC website (Case #22-512841).

On 07/01/13, an initial response to Case #22-512841 informing me that USAC could not locate the appeal.

On 07/08/13, an e-mail was received from a program compliance officer requesting information regarding submittal of the appeal.

On 07/10/13, a response was sent to the program complains officer embedded with the "e-mail string" supporting the 03/20/13 appeal submittal.

On 08/05/13, the Administrator's Decision on Appeal was received with the explanation as indicated above.

I cannot be certain as to why USAC could not locate the initial and subsequent duplicate appeal, both filed on 03/20/13. I am certain that both the original and duplicate appeals were filed on 03/20/13, thirty-five (35) days after the Form 486 Notification Letter and thus, within the sixty (60) day period.

The District's size often requires staff to have several "job assignments." The E-Rate program manager serves as technology coordinator, full time teacher and athletic sponsor. E-Rate management most often encompasses the management of multiple (3) E-Rate funding years concurrently, exacerbating difficulty and confusion of this already extremely difficult task. This confusion resulted in the District's failure to file the timely Form 486 for the funding year. The difficulty of E-Rate management is at least partially demonstrated by the fact that the District has captured less than 15% of all funding committed it over the past ten (10) funding years.

East Alton-Wood River District serves 546 students, 63% of whom receive free or reduced lunches. As with most Illinois school districts, East Alton-Wood River School District has incurred budget and service cuts in the face of declining education dollars.

We believe granting this appeal serves the public interest.

Granting of this appeal does not promote waste, fraud or abuse.

There is precedent for granting waivers of rules, guidelines and deadlines.

We respectfully request the FCC to direct USAC to accept our Letter of Appeal dated 03/20/13, grant our request, and restore funding together with reasonable extensions permitting the District to realize the intended benefits of the E-Rate Program and recover funds committed it that it has already paid for eligible services, emphasizing again that the District has not committed any waste, fraud or abuse.

On behalf of the East Alton- Wood River School District

Steve Futrell, M.Ed.

E-Rate & School Funding Services

Attachments: e-mail screen shot of "Sent" box indicating Appeal was filed 03/20/13
Screen shot of e-mail sent to PIA reviewer
Letter of Appeal of Form 486 Application #942395 filed 03/20/13
Letter of Agency